

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRADFORD SOUCHU, CIVIL ACTION
Plaintiff NO.
VS.
METRO-NORTH RAILROAD COMPANY,
Defendant

COMPLAINT

NATURE OF ACTION

1. The plaintiff brings this action against the defendant for injuries suffered by him while in the employ of the defendant Railroad.

JURISDICTION

2. This Court has subject matter jurisdiction in this case pursuant to the Federal Employers' Liability Act, 45 U.S.C. § 51 *et seq.* Venue properly lies in this Court pursuant to 45 U.S.C. § 56.

PARTIES

3. The plaintiff is domiciled in New Paltz, New York.

4. The defendant, Metro-North Railroad Company, is a railroad corporation duly established by law, and having a usual place of business in Manhattan, New York.

FACTS

5. During all times herein mentioned, the defendant was a common carrier engaged in the business of interstate commerce, and as such, operated a railroad in such business between New York, New York, and Poughkeepsie, New York.

6. At the time the plaintiff received the injuries complained of, he was employed by the defendant Railroad as a Machinist.

7. At the time the plaintiff received the injuries complained of, the defendant Railroad was engaged in interstate commerce and the plaintiff was employed in furtherance of said commerce.

8. On or about January 2, 2024, the plaintiff was engaged in his duties as a Machinist in Poughkeepsie, New York, which, tracks, rails, trains, railcars, trucks, tools, and all other equipment and appliances appurtenant thereto were owned and/or operated and/or controlled and/or maintained by the defendant corporation.

9. On or about January 2, 2024, while disembarking through the engineer's side locomotive cab door on the east side of Track 5 in the Poughkeepsie train station, the door swung shut and crushed the plaintiff's left thumb.

AS AND FOR A FIRST CAUSE OF ACTION

10. The plaintiff adopts by reference and realleges each and every allegation set forth in paragraphs 1 through 10 of this Complaint with the same force and effect as if set forth under this cause of action.

11. As a result of the negligence of the defendant Railroad, its agents, servants, or employees the plaintiff was injured.

12. The defendant Railroad, its agents, servants, or employees were negligent in one or more of the following ways:

(a) it failed to provide a reasonably safe place to work; and/or

(b) it failed to adequately or properly train, instruct and/or supervise the plaintiff; and/or

(c) it failed to warn the plaintiff that locomotive doors have swung shut unexpectedly on Track 5 in the Poughkeepsie station on previous occasions; and/or

(d) it failed to warn the plaintiff that the rails on Track 5 on the Poughkeepsie station were uneven and that the west rail was higher than the east rail; and/or

(e) it failed to warn the plaintiff that the vertical handhold was too close to the locomotive door jamb and that fingers could get caught in the door jamb; and/or

(f) it failed to provide a reasonably safe locomotive because the vertical handhold was placed unreasonably close to the door jamb; and/or

(g) it failed to warn the plaintiff that using the handhold could result in fingers getting crushed in the door jamb; and/or

(h) it failed to comply with one or more of Metro North's Safety Rules.

13. As a result of the negligence in whole or in part of the defendant Railroad, its agents, servants, or employees, in one or more of the aforementioned ways, the plaintiff suffered injuries to his left thumb and hand including but not limited to a broken bone, two surgeries, and permanent disfigurement, discomfort, and impairment use of his thumb including reduced mobility and strength.

14. As a result of the said negligence and injuries, the plaintiff has suffered and will suffer lost wages and benefits, incurred medical expenses, suffered physical pain,

mental anguish, and disfigurement and will continue to do so in the future, and has an impairment to his future earning capacity and/or impaired economic horizons.

WHEREFORE, in order to fairly and justly compensate the negligently injured plaintiff and thereby promote safe operating conditions on the defendant Railroad, the plaintiff demands a judgment for damages against the defendant Railroad in addition to any further relief the Court deems just and equitable.

PLAINTIFF DEMANDS TRIAL BY JURY.

By his attorneys,

By



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